



REQUEST FOR PROPOSALS

PLANNING CONSULTING SERVICES FOR COMPREHENSIVE PLAN REFORM INITIATIVE

RFP NO. 0122-02-CB-RC

DATED APRIL 30, 2003

A. GENERAL INFORMATION

History of the Comprehensive Plan Reform Effort

At a retreat in October 2000, the Tallahassee-Leon County Planning Commission began discussion of the Comprehensive Plan Reform project. The Planning Commission wanted to begin to address problems that they had been encountering in working with the Comprehensive Plan and Land Development Regulations. It was agreed that not only is the Plan too specific and not very user-friendly, but that there are substantive issues with a number of the Plan's Future Land Use categories, most notably, the Mixed Use and Lake Protection categories.

The Planning Commission established a committee to evaluate the issue of Comprehensive Plan Reform, and to recommend an approach. The first step was a broad assessment of recent problems and issues that have arisen through application of the Comprehensive Plan. The Planning Commission Chair also met with the elected officials to receive their input on planning-related priorities. The committee then evaluated the full list of potential issues and prioritized them for action. The committee arrived at the following conclusions, which were discussed and ratified by the full Planning Commission on March 5, 2001:

1. It would not be necessary or advisable to overhaul the entire Comprehensive Plan. Rather, specific problems should be identified and addressed.
2. The Land Use Element is the key to the entire Plan, and is the most complex portion of the document.
3. The Mixed Use designation is the most important aspect to address because:
 - a. It covers most of the areas within the USA, and is the designation that

- accommodates most of the urban uses.
- b. Future Land Use Map amendments generally seek to change property from Residential Preservation to Mixed Use, and these amendments are often unsuccessful because of the breadth of uses allowed under the Mixed Use categories.
- c. The mechanism used to apply site-specific zoning to the Mixed Use categories is the development pattern, but this concept has been flawed and ineffective in its application.
- 4. In approaching this issue, public participation is critical, but the most effective means for obtaining it in the early phases of the project will be through a diverse working group of stakeholders. Once the process has produced preliminary findings and recommendations, a broader based public process must occur.
- 5. A "clean up" of the Plan to address clarity and usability cannot be delayed as substantive issues are addressed. Therefore, concurrent with the analysis of the substance of the Mixed Use categories, staff should begin to address form and usability of the Plan.

Based upon these findings, the Planning Commission has moved forward with a reform program that targets the Future Land Use Element, starting with the Mixed Use designation as the first phase priority. A parallel work program has been established to review the Plan for structure, format and usability.

At a second retreat on January 15, 2003, the Planning Commission provided additional direction, which has been incorporated into this scope of services (Please see attached minutes, page 11 of 12).

Background on the 2010 Comprehensive Plan

At a second retreat conducted in January 2003, the Planning Commission received relevant information relative to the development and evolution of the Comprehensive Plan. One item of particular interest was the fact that in an effort to ensure public participation, the Plan was formulated in a somewhat uncoordinated manner by a number of discrete citizen subcommittees. The work of these subcommittees was subsequently assembled and that there appears to have been little opportunity to ensure a consistency of vision and approach between the various Elements of the Plan. This is an issue that needs to be reviewed and addressed. The Planning Commission has also initiated a committee effort to articulate the overall vision of the current Plan.

Further Definition of Comprehensive Plan Priority Issues

As noted above, the Planning Commission has determined that the Future Land Use Element, and more specifically the Mixed Use Future Land Use categories should be the focus for the initial phase of substantive Comprehensive Plan Reform efforts. Because the overall structure and format of the Plan is also a major issue, work on this less substantive issue will proceed concurrently. The following background further defines these issues:

Mixed Use Future Land Use Categories

The Mixed Use designation (which includes three subcategories) has been problematical since its inception. Prior to 1992, the zoning code contained zoning

districts that described very specifically which uses were allowed on a piece of property, and they were generally limited to a particular type of use (e.g., single family residential, office or commercial). While this provided a great deal of certainty to the property owner, it did not allow much flexibility.

The Mixed Use concept was adopted into the Comprehensive Plan in 1990. The intent of Mixed Use A, B and C was to encourage a mix of uses. For example, it would allow shops to be located next to or within neighborhoods, or offices next to apartment buildings. It would allow mixed-use developments on the same site. It was anticipated that this mixing of uses would promote shorter travel distances and less reliance on the automobile, as well as a greater sense of community. The intent was to create a more "walkable" community. In 1992, the City and County Commissions adopted new zoning codes to match and mirror the Mixed Use categories in the Plan.

Under this regulatory framework, the type of uses allowed on a specific piece of property were limited by locational and performance criteria. This method of regulation still exists in the Plan for categories such as Lake Protection, Central Urban and University Transition. The problem that soon became apparent was the lack of predictability in this system. To know whether a particular piece of property could be used in a certain way, the owner was required to submit specific information about the property. After 5 to 7 days, the determination was issued on whether the particular use was allowable, contingent on final site plan.

Problems cited by the Planning Department in recommending a transition to "site-specific zoning" in 1996 included the following:

1. Owners could not be sure what they could do with their property without verification by the government. This uncertainty seemed to affect property values.
2. Some people felt they needed to hire experts to determine potential use of their property.
3. Residents did not feel comfortable with what might happen at the edges of neighborhoods.
4. It took longer to get through the development review process, making development more expensive.
5. The zoning code did not ensure compatibility between residential and non-residential uses.

Based on these concerns, the Mixed Use zoning was replaced in 1996 by site-specific zoning, which functioned much like the pre-Comprehensive Plan zoning. The Mixed Use Future Land Use categories were retained, however, in order to make the transition to the new system less disruptive to the community. By retaining the Mixed Use categories, property owners could obtain significant changes to the uses allowed on their property through a relatively simple zoning process, rather than having to make a change to the Future Land Use Map.

The site-specific zoning did much to address the issue of predictability at the zoning level, but it did not provide the same type of protection as the Comprehensive Plan could afford. Neighborhoods that are protected by a Residential Preservation designation as well as Residential Preservation zoning tend to look with concern at a change to Mixed Use, which could eventually result in any number of zoning scenarios.

There has been an attempt to deal with this issue through the use of the "development patterns." The development patterns are defined in the plan, and seek to describe the characteristics of a location in such a way as to help determine what site-specific zoning district should be applied to that site. Unfortunately, the development patterns have been problematical as well. There has been confusion over whether the patterns intend to describe the existing or future function of the site. In addition, the development patterns are defined in a rather general manner that would allow multiple development patterns to fit the characteristics of many sites. For this reason, even after a development pattern has been identified for an area, there is no assurance that that a different development pattern might not be applied at a later date. This problem has been compounded by the fact that the development patterns are not mapped, and therefore do not really limit the types of zoning that can be requested for a site. Hence, the Mixed Use categories in effect continue to allow almost any type of zoning in many locations throughout the community, subject to the rezoning process.

While this situation has many benefits for the owner of the Mixed Use property in question, it may have some negative effects on surrounding properties, and on the ability of the community to achieve appropriate distribution of land uses. The open-ended quality of the Mixed Use designation makes it threatening to adjacent Residential Preservation areas, and may force residential property owners to oppose a change to Mixed Use because of some of the more intense land uses it may allow. Another problem with the Mixed Use categories has been a rather pronounced "disconnect" between the intent language for these categories, particularly Mixed Use A, and the manner in which they are actually implemented, based on the specific policies in the Plan and the implementing land development regulations. This has also created distrust of the categories among residents.

Over the course of the last several Comprehensive Plan amendment cycles, the Planning Commission has noted a number of issues with the Mixed Use categories. These problems have both precipitated proposals to change the way the categories function, as well as making changes from other Future Land Use categories to Mixed Use extremely problematical. This has led the Planning Commission to prioritize the Mixed Use categories as the first phase of a multi-year project to address concerns with the Comprehensive Plan. As a first step, the Planning Commission has initiated Comprehensive Plan amendments to create two new categories, the Neighborhood Boundary and Planned Use Overlay categories. Additional work will be conducted under this contract.

Format and Usability

The Plan as currently drafted can be confusing and difficult to use. It is necessary to look in more than one place for information on a Future Land Use category, and there are inconsistencies, outdated policies, illegible maps, and all the other problems that come from amending a document hundreds of times over the course of a decade. The problems that have been identified over time can be used to initiate a "clean up" which should make the Plan easier to use without changing its substance. Examples of potential changes include:

- Pull together narrative intent language to form an executive summary/vision statement for Plan
- Provide an index or detailed table of contents for each element

- Make maps more readable
- Place all requirements for Future Land Use categories in one place, rather than splitting between text, matrix and policies. This has led to some inconsistencies in requirements, as well as confusion on the part of the user.
- Identify obsolete policies for possible deletion
- Reformat policies in the Future Land Use Element to match rest of the Plan (this is the only element currently using the two-column format).
- Rearranging the Mixed Use policies to make them more usable.
- Identify inconsistencies and propose resolution

A number of these efforts are underway. Staff has been deleting several obsolete policies in each Plan amendment cycle. The Planning Commission has initiated a committee effort to distill the vision from the existing Plan document.

Beyond these relatively non-controversial efforts to make the Plan more user-friendly, there is the question of whether the Plan, especially when combined with the implementing ordinances, is unnecessarily complicated, and whether some of the policies might be either too specific or too vague. This is a more difficult and controversial issue to address, and an initial review and recommendations on this issue are required under this scope of work.

Staff from the Growth Management Departments at the City and County, as well as Planning Department staff, are the heaviest users of the Plan, and can readily identify a number of reformatting and "clean up" issues. They are also aware of the way in which the Plan either works well with the land development regulations to achieve the apparent intent, or does not. Additional input will be accepted from the public, elected and appointed officials, and other staff who may use the Plan.

B. PROFESSIONAL SERVICES REQUIRED

The Tallahassee-Leon County Planning Department is seeking a consultant with comprehensive planning and land use expertise to complete the following tasks:

- 1. Specifically define the problems associated with Mixed Use and its land use development patterns.** Based upon review of the existing Comprehensive Plan, recent Comprehensive Plan amendment cycles, discussion with staff and the Planning Commission, the consultant will assess the existing Comprehensive Plan provisions relative to the Mixed Use categories and identify problem areas. At a minimum, the consultant will address the following questions:
 - a. Should the Mixed Use categories and related development patterns concept be retained, and if so, should they be revised, and how?
 - b. What is the most effective means for achieving the original intent of the Mixed Use categories, which is a fine-grained mix of uses, while ensuring compatibility between uses?
 - c. What problems exist in implementing the Mixed Use categories through the Land Development Regulations and how should they be addressed?
 - d. Are new Future Land Use categories needed to address some of these issues?
- 2. Identification of other Future Land Use Issues.** The consultant will review the

entire Future Land Use Element and address the following:

- a. Identify the strengths and weaknesses of the Element
- b. The consultant will illustrate alternative approaches by providing 3 to 4 other appropriate and successful models of Future Land Use elements in Florida, and will outline the pros and cons of these approaches.
- c. Consider whether the direction and focus of the Future Land Use Element are consistent with those of the other Elements of the Plan, particularly with the Conservation, Transportation, and Utilities Elements. If significant inconsistencies are found, evaluate the need for amending these elements concurrently with the Future Land Use Element.
- d. Make recommendations for appropriate changes to the Future Land Use Element.

3. Implementation

- a. Alternatives for implementation of recommended changes to the Future Land Use Element
- b. Potential use of sector planning program in implementation strategy

4. Review the Comprehensive Plan for format and usability. The consultant will review staff's work on usability and provide recommendations on:

- a. Structure (how the Plan is organized)
- b. Format

5. Review of the Comprehensive Plan relative to the implementing land development regulations. The consultant will review the Comprehensive Plan in relation to the land development regulations and make recommendation on the following:

- a. Does the Comprehensive Plan supply sufficient direction to the land development regulations and to community policymakers?
- b. Do the Comprehensive Plan and the land development regulations each contain appropriate levels of specificity and do they work together to create an appropriate and understandable regulatory framework?
- c. Should certain aspects of the Plan be moved into the land development regulations and vice-versa?
- d. Recommend changes as appropriate.

C. REQUESTED DELIVERABLES

The following is a suggestion for providing the information requested above. The consultant has the flexibility to utilize other methods for supplying the requested information.

The Consultant shall prepare each of the following reports for review and comment:

- Report on Preliminary Project Definition – A report summarizing the Consultants refined method and approach to the project. The Consultant would complete this report after reading the supplemental material provided by the Department and in preparation for a meeting with staff and the Tallahassee-Leon County Planning Commission.
- Draft Report on Tasks 1-3 – A report containing the Consultants findings on the following tasks: 1) Specifically defining the problems associated with Mixed Use and its land use development patterns; 2) Identification of other Future Land Use issues and 3) Implementation (*each of these tasks are further defined in Section B – Professional Services Required*).

- Draft Report on Tasks 4-5 – A report containing the Consultants findings on the remaining tasks including: 4) the Review of the Comprehensive Plan for format and usability and 5) the Review of the Comprehensive Plan relative to the implementing land development regulations (*each of these tasks are further defined in Section B – Professional Services Required.*)
- Final Report – The Final Report will be comprehensive outlining the process and methodologies used and combining the materials from the draft reports as revised. The Consultant will need to provide 25 originals of the Final Report to the Tallahassee-Leon County Planning Department in paper format. Any maps or digital information will be provided in the format transferable to the Department's GIS system. In addition, the Consultant will provide 10 CD-ROMS of the Final Report.

D. COORDINATION AND REVIEW

Project Initiation

The selected consultant will meet with the Planning Department to discuss the history and expectations for the project. The Department will provide the consultant with a copy of any background materials to assist in the review. In this meeting, the consultant will present their recommended approach to the project and discuss any staff concerns. After a contract is signed, the consultant will begin a review of preliminary materials and develop a Preliminary Definition for this project.

Preliminary Project Definition

After one month, the consultant will meet with staff of the Tallahassee-Leon County Planning Department. At this meeting the Consultant will provide a copy of their Preliminary Project Definition for review by staff and the Tallahassee-Leon County Planning Commission. After this review, the Consultant will begin the data gathering and analysis stage of the project based upon direction provided. As the Consultant moves forward in this stage they will make bi-weekly contact with Planning staff to ensure the project is moving in the correct direction. The consultant will also need to be prepared to provide information to the Planning Commission as directed.

Public Involvement

As part of the Comprehensive Plan reform project, the Consultant will provide information to staff for conducting community involvement exercises and to answer issues/questions raised by the public. Planning staff will take the lead in developing and leading focus groups to discuss relevant issues. The Consultant must be present at the public meeting after the Draft reports are released as identified below.

Draft Reports

After the completion of one or both draft reports, the Consultant will meet with the Planning staff to discuss the preliminary findings. The Consultant will also meet with any appropriate focus groups and the Planning Commission to discuss these results. In addition, the Consultant must be present for a public meeting with the larger community to present the preliminary findings.

Final Report

The Consultant will submit a Final Report to the Planning Department for review. The Consultant will be present at a minimum of three meetings during the review and adoption of the report by the Planning Commission and possibly the City and/or County Commissions.

All deliverables (including drafts) will be forwarded by the Planning Department to the Planning Commission and other appropriate entities for review and comment. Every attempt will be made by the Planning Department to consolidate all comments and provide them to the consultant within five weeks of receipt of the deliverables to ensure Commission input to the final products and afford the consultant adequate time for any revisions or modifications. After comments are received, the consultant will draft the final report, including renderings and final text. The consultant will attend the meetings requested above and one or two additional meetings should be budgeted for a total of 8-10 meetings needed to complete this project.

C. SCHEDULE

The proposed time schedule as related to this procurement is as follows:

Release of RFP	June 26, 2003
Deadline for submitting questions	July 3, 2003
Deadline for submission of proposal	July 17, 2003
Anticipated Committee Recommendation	August 2003
Anticipated Commission Approval.....	August 2003
Anticipated Selection.....	August 2003
Anticipated Award.....	August 2003
Meet with consultant to discuss project.....	September 2003
Draft Reports Due.....	March 2004
Final Report.....	May 2004

D. PROPOSAL RESPONSE REQUIREMENTS

Proponents shall submit their proposal in the following format and a tab must separate each section.

SECTION 1 - EXECUTIVE SUMMARY

Present in brief, concise terms, a summary level description of the contents of the proposal and your company and its capabilities. Give the names of the person(s) who will be authorized to make representations for the proposer, their title(s), address(es), and telephone and fax number(s). The summary must be limited to a maximum of two pages and the signer of the proposal must declare that the proposal is in all respects fair and in good faith without collusion or fraud and that

the signer of the proposal has the authority to bind the principal proponent.

SECTION 2 - EXPERIENCE AND ABILITY

1. Identify a staffing plan that clearly illustrates the principal elements of the organizational structure proposed to furnish services described in the Scope of Services including:
 - a. Availability and location of personnel, including sub-consultants who will be directly involved with this project, including resumes, certifications for each person. A description of the responsibilities of proposed available personnel and their interrelationships. This should clearly show supervisory relationships, functional areas of work provided by position, in addition to methods of coordination of information.
2. Describe the experience and ability of the proposed team members on similar past projects and how this experience will be used for this project.

SECTION 3 - PAST PERFORMANCE

Provide a list of projects accomplished in the last five (5) years similar in project scope. The references must include the company/contractor name, and contact person's full name and telephone number (toll free preferred). The reference must describe where services similar in magnitude and scope to that requested in this solicitation were provided. The City reserves the right to contact any of the contractor's previous clients not furnished by the contractor.

SECTION 4 - APPROACH and METHOD

1. Proposed time schedule indicating major work tasks for completing the entire project.
2. Include a description of the approach and method proposed for providing the services required in this solicitation. Include details of quality control plan for the entire project.

TAB 5 – UNDERSTANDING PROJECT and PROJECT REQUIREMENTS

Define the project and it's requirements. Include details of how the project will be used by the Tallahassee-Leon County Planning Department and your proposed design concepts that will meet their needs.

SECTION 6 - ATTACHMENTS

1. Reproduction of Professional Registration Certificates.
2. Current City of Tallahassee Professional Qualifications Supplement, Attachment A.
3. Representations/Certifications, Attachment B.

E. PROPOSAL SUBMITTAL

All proposals must be in writing. All proposals, **an ORIGINAL, so identified, and 8 complete copies**, shall be submitted in sealed envelopes, which will be received (recorded and clocked in) –

1. At: **City of Tallahassee**

**Procurement Services Division
300 S. Adams Street, Third Floor
Tallahassee, Florida, 32301-1731**

2. Until 4:30 P. M., local time, on July 17, 2003

The front of each proposal envelope/container shall contain the following information for proper identification:

- (1) the name and address of the proposer
- (2) the word "Proposal" and the RFP number (Proposal for RFP No.)
- (3) the time/date specified for receipt of proposals (4:30 P.M. ,JULY 17, 2003)
- (4) the number of each envelope/container submitted (i.e. "1 of 3, "2 of 3", "3 of 3")

The responsibility for submitting the proposal to the Procurement Services Division on or before the above stated time and date is solely that of the proponent. The City of Tallahassee will in no way be responsible for delays in mail delivery or delays caused by any other occurrence. **LATE PROPOSALS WILL NOT BE ACCEPTED.**

Proposals may be modified/withdrawn by written notice if received in the office specified for receipt of proposals before the time and date set for receipt of proposals.

The City shall not be liable for any costs incurred by a proponent prior to entering into a contract.

F. ISSUANCE OF ADDENDA

1. If this solicitation is amended, the City will issue an appropriate addendum to the solicitation. If an addendum is issued, all terms and conditions that are not specifically modified shall remain unchanged.
2. Proponents shall acknowledge receipt of each addendum to this solicitation using one of the following methods:
 - a. By signing and returning the addendum;
 - b. By signed letter;
 - c. By signed facsimile (subject to the conditions specified in the provision entitled "FACSIMILE DOCUMENTS").
3. The City must receive the acknowledgment by the time and date, and at the location specified for receipt of proposals.

G. FACSIMILE DOCUMENTS

1. "Facsimile document", as used in this solicitation, means any complete and properly executed document listed below in subsection (2) that is transmitted to and received at the City office specified in this solicitation via electronic equipment that communicated and reproduces both printed and handwritten material. Time of receipt as stamped by the receiving equipment shall be conclusive as to time of submission.
2. The following documents are authorized for transmittal via facsimile --
 - a. Acknowledgment of any addendum to solicitation.
 - b. Notification of Withdrawal of Proposal.
3. Telephone number of receiving facsimile equipment:
(850) 891-8788 or (850) 891-0940

4. As a minimum, the facsimile document must be identified with the following information –
 - a. Name, address, and telephone number of sender
 - b. Solicitation number
 - c. Date and time for receipt of proposals
5. If the proponent chooses to transmit a facsimile document listed above in section (2), the City will not be responsible for any failure attributable to the transmission or receipt of the facsimile document including, but not limited to, the following –
 - a. Failure to transmit the document to the specified facsimile equipment
 - b. Receipt of garbled or incomplete document
 - c. Availability or condition of the receiving facsimile equipment
 - d. Incompatibility between the sending and receiving equipment
 - e. Delay in transmission or receipt of document
 - f. Failure of the proposer to properly identify the document
 - g. Illegibility of the document
 - h. Security of the document data
6. The City reserves the right to reject any facsimile document based on the conditions of subsection (5) above. The apparent successful proponent shall promptly submit any compete original document, if requested to do so by the Procurement Services Division.

H. EQUAL OPPORTUNITY AGREEMENT

1. In connection with work performed under a City of Tallahassee contract, the proponent agrees, upon receipt of a written award or acceptance of a proposal, to support and abide by the City's Equal Opportunity Pledge.
2. By submitting a proposal in response to this solicitation, the proponent agrees to –
 - a. Not discriminate against any employee or job applicant because of their race, creed, color, sex, marital status or national origin;
 - b. Post a copy of this pledge in a conspicuous place, available to all employees and job applicants.
 - c. Place or cause to be placed a statement in all solicitations or advertisement for job applicants, including subcontracts, that the bidder is an "Equal Opportunity Employer".

I. MINORITY BUSINESS

Proponents for the work described herein should be aware of the City's policy relating to minority involvement in professional contracts.

As a part of the selection process for professional contracts, the ranking procedure will provide for a bonus up to a maximum of 5 points for the utilization of minority businesses, minority employees and/or minority student trainees. Proponents should contact the City Office of Minority Business Enterprises at (850) 891-8184 for more detailed information. Please indicate in your proposal the percentage of minority business participation, if any, as outlined in the attached Professional Qualifications Supplement (Attachment A).

The City has a goal of twelve point five percent (12.5%) Minority Business Enterprise participation in all consultant services contracts.

J. PUBLIC ENTITY CRIMES

As required by Florida State Statute 287.133, (2 (a), A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or a public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. Any person must notify the City within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person.

K. INSURANCE REQUIREMENTS

Prior to commencing work, the proponent shall procure and maintain at proponent's own cost and expense for the duration of the agreement the following insurance against claims for injuries to person or damages to property which may arise from or in connection with the performance of the work or services hereunder by the Consultant, his agents, representatives, employees or Subcontractors.

1. Consultant shall maintain limits no less than:

a) Commercial General/Umbrella Liability Insurance - _____ limit per occurrence for property damage and bodily injury. The service provider should indicate in its proposal whether the coverage is provided on a claims-made or preferably on an occurrence basis. The insurance shall include coverage for the following:

- Premise/Operations
- Explosion, Collapse and Underground Property Damage Hazard (only when applicable to the project)
- Products/Completed Operations
- Contractual
- Independent Contractors
- Broad Form Property Damage
- Personal Injury

b) Business Automobile/Umbrella Liability Insurance _____ limit per accident for property damage and personal injury.

- Owned/Leased Autos
- Non-owned Autos
- Hired Autos

- c) Workers' Compensation and Employers'/Umbrella Liability Insurance - Workers' Compensation statutory limits as required by Chapter 440, Florida Statutes. This policy should include Employers'/Umbrella Liability Coverage for _____ per accident.
- d) Professional Liability Insurance - _____ r as per project (ultimate loss value per occurrence).

2. **Other Insurance Provisions**

a) Commercial General Liability and Automobile Liability Coverage's
The City of Tallahassee, members of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, leased or used by the Consultant or premises on which Consultant is performing services on behalf of the City. The coverage shall contain no special limitations on the scope of protection afforded to the City of Tallahassee, members of the City Commission, boards, commissions and committees, officers, agents, employees and volunteers.

- The Consultant's insurance coverage shall be primary insurance as respects the City of Tallahassee, members of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers. Any insurance or self-insurance maintained by the City of Tallahassee, members of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers shall be excess of Contractor's insurance and shall not contribute with it.
- Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City of Tallahassee, members of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers.
- Coverage shall state that Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

b) Workers' Compensation and Employers' Liability and Property Coverage's

The insurer shall agree to waive all rights of subrogation against the City of Tallahassee, member of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers for losses arising from activities and operations of Consultant in the performance of services under this Agreement.

c) All Coverage's

- **Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.**
- If Consultant, for any reason, fails to maintain insurance coverage which is required pursuant to this Agreement, the same shall be deemed a

material breach of contract. City, at its sole option, may terminate this Agreement and obtain damages from the Consultant resulting from said breach.

- Alternatively, City may purchase such required insurance coverage (but has no special obligation to do so), and without further notice to Consultant, City may deduct from sums due to Consultant any premium costs advanced by City for such insurance.
- City named as "additional insured" as its interest may appear.

3. ***Deductibles and Self-Insured Retention's***

Any deductibles or self-insured retention's must be declared to and approved by the City. At the option of the City, the insurer shall reduce or eliminate such deductibles or self-insured retention's as respects the City of Tallahassee, members of its City Commission, boards, commissions and committees, officers, agents, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses, related investigation, claim administration and defense expenses.

4. ***Acceptability of Insurers***

Insurance is to be placed with Florida admitted insurers rated B+X or better by A.M. Best's rating service.

5. ***Verification of Coverage***

Consultant shall furnish the City with certificates of insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be received and approved by the City before work commences.

6. ***Subcontractors***

Consultant shall include each of its subcontractors and subconsultants as insureds under the policies of insurance required herein.

L. EVALUATION

Evaluation of proposals will be performed consistent with the City's Procedures Manual using the following criteria and weighted values:

Criteria	Rating Points
Experience and Ability	30
Past Performance	25
Volume of City Work	10
Location	10
Minority Business Enterprise Participation	5
Understanding of Projects and Projects Requirements	25
Approach and Method	20
Fee	
Maximum Points Allowed	

NOTE: As a part of the evaluation process, shortlisted proponents shall make oral presentations to the city's selection committee.

M. COMMITTEE MEETING ATTENDANCE

Persons with disabilities requiring reasonable accommodations to attend meetings, please call Cathy Bishop at (850) 891-8401 or FRS TDD at 1-(800) 955-8771 at least forty-eight (48) hours in advance (excluding weekends and holidays). Public Notice of all Committee meetings will be posted in the Procurement Services Division, City Hall, 300 S. Adams Street, Tallahassee, Florida as far in advance of the meeting as possible.

N. CONTRACT AWARD

Any contract award(s) made as a result of this Request for Proposals does not guarantee that the City will authorize any work under these contracts. The City reserves the right to use in-house personnel or other contract support, as it deems is in the best interest of the City.

A copy of the recommended ranking and award will be available for review in the Procurement Services Division upon completion of the evaluation by the selection committee.

O. GRIEVANCE PROCEDURE

1. Right to Protest. Any actual or prospective proponent, or contractor, who is aggrieved in connection with the solicitation or award of a contract, may protest any solicitation or award recommendation on the grounds of irregularities in specifications, solicitation procedure, or the evaluation of the solicitations.
2. Filing a Protest. Actual proponents who are affected adversely by the decision or intended decision of a solicitation/contract award shall file a written notice of intent to protest with the Procurement Services Division within 72 hours (excludes weekends and holidays) after posting of the intended recommendation of award. A formal written protest, stating with particularity of facts and grounds (should refer to the statutes, laws, or ordinances which the protestant deems applicable) upon which the protest is based, shall be filed with the Procurement Services Division within seven (7) calendar days after the date of filing the notice of intent of protest. Failure to timely file either the notice of intent or the formal written protest shall constitute a waiver of proceedings under this section.

A written protest is officially filed with the City when it is delivered to and received by the Procurement Services Division.

Any person who files a formal written protest, protesting a decision or intended decision for the award of a solicitation, shall post with the Procurement Services Division, at the time of filing the formal written protest, a bond payable to the City of Tallahassee in an amount equal to 1 percent of the City's estimate of the total volume of the contract or \$5,000, whichever is less. If, after completion of the grievance hearing process and any appellate court proceedings, the City prevails, it shall recover all cost and charges which shall be included in the final order of judgment, excluding attorney's fees. Upon payment of such cost and charges by the person protesting the award, the bond shall be returned to him/her. If the person protesting the award prevails, he/she shall recover from the City all cost and charges which shall be included in the final order of judgment, excluding attorney's fees. In no case shall the protesting proposer or contractor be entitled to any cost incurred with the solicitation, including solicitation preparation cost and attorney's fees.

For additional information concerning protest procedures, vendors may request a copy of the City's Procedures manual.

S. RIGHT OF REJECTION

The City of Tallahassee reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the City of Tallahassee and its citizens.

T. REQUESTS FOR CLARIFICATIONS OR INTERPRETATIONS

All questions concerning this Request for Proposals must be directed through **CATHY BISHOP, PROCUREMENT SERVICES DIVISION, PHONE: (850) 891-8401, E-MAIL: bishopc@talgov.com or through FRS TDD at 1-(800) 955-8771.** All telephone conversations are to be considered unofficial responses and will not be binding. Questions, verifying the Request For Proposals' content, if appropriate, will be responded to in writing, as long as the questions are submitted prior to the deadline in this solicitation. The written response will be the City's official response and will be mailed to all proposers that requested the Request For Proposals.

**ATTACHMENT A
CITY OF TALLAHASSEE
PROFESSIONAL QUALIFICATIONS SUPPLEMENT**

1. PROJECT TITLE (As Advertised) _____
2. FIRM NAME _____
3. ADDRESS (Assigned Project Office) _____
4. VOLUME OF CITY OF TALLAHASSEE WORK

	TOTAL FEE	PORTION OF FEE CONSIDERED
Current and Last Year (Oct 1 - Sept 30)	\$ _____ x .8 =	\$ _____
Second Year Past	\$ _____ x .6 =	\$ _____
Third Year Past	\$ _____ x .4 =	\$ _____
	TOTAL	\$ _____

5. MBE PARTICIPATION

MBE firms and sub-contractors must be certified with the City's MBE Office to qualify for MBE participation credit. **A MINIMUM OF 12.5% (IN ONE SECTION ONLY) MUST BE UTILIZED TO RECEIVE POINTS IN SECTIONS (2-4).**

- (1) Is the principal firm a certified MBE firm? _____ Yes _____ No (5 points)
(Please attach a copy of your certified letter or certificate)
- (2) Percent of fees to be subcontracted to a certified MBE firm: _____ % (4 points)
Please attach a copy of their certification letter or certificate
 - a. Name of the MBE Firm: _____
 - b. Scope of work to be performed by the MBE firm: _____
- (3) Percent of fees to be used for goods and services supplied by an MBE firm: _____ % (3 points)
 - a. Name of the MBE Firm: _____
 - b. List of goods or services to be provided: _____
- *(4) Percent of professional work force to be utilized on the project which are minorities or minority graduate students working in a professional discipline: _____ % (2 points)
- *(5) The firm has or will hire one or more minority trainees in a professional discipline to work on the project? _____ Yes _____ No (1 point)

Signature/Professional Registration No.

Date

*Names and ethnic status of the persons utilized under numbers 4 and 5 shall be submitted to the MBE Office prior to the execution of the contract. Non-minority women are not considered "minority persons" for purposes of MBE participation. (See Appendix A of Section 16.5 of the MBE Policy.)

**ATTACHMENT B
REPRESENTATIONS/CERTIFICATIONS**

TAXPAYER IDENTIFICATION

(a) Definitions.

"Parent Company," means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the bidder is a member.

"Corporate status," means a designation as to whether the vendor is a corporate entity, a sole proprietorship, a partnership, or a corporation providing medical and health care services.

"Taxpayer Identification Number (TIN)," means the number required by the Internal Revenue Service (IRS) to be used by the vendor in reporting income tax and other returns.

(b) All vendors are required to submit the information required in paragraphs (c) through (e) in order to comply with reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the Internal Revenue Service (IRS).

(c) Taxpayer Identification Number (TIN).

TIN: _____

☐ TIN has been applied for. ☐ TIN is not required because:

☐ Vendor is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.;

☐ Vendor is an agency or instrumentality of a foreign government;

☐ Vendor is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis _____

(d) Corporate Status.

☐ Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services;

☐ Hospital or extended care facility described in 26 CFR 501(c)(3) that is exempt from taxation under 26 CFR 501(a).

☐ Other corporate entity; ☐ Not a corporate entity:

☐ Sole proprietorship ☐ Partnership

(e) Parent Company.

Vendor is ☐ / is not ☐ owned or controlled by a common parent as defined in paragraph (a). If owned by a parent company, complete the following:

Name and TIN of parent company:

Name _____ TIN _____

(f) Fictitious Name of Vendor [Doing Business As (d.b.a.)].

LEGAL NAME AND ADDRESS OF COMPANY (VENDOR) (Type/Print)

COMPANY NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

CONTACT FOR CONTRACT MANAGEMENT (Type/Print)

NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

CONTACT FOR INVOICE INQUIRIES

NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

PAYMENT REMITTANCE ADDRESS (if different from Company Address)

NAME: _____
MAIL ADDRESS: _____

(City) (State) (Zip Code+4)
TELEPHONE NO: VOICE: () _____, EXTENSION: _____
(Toll-Free Preferred) OTHER: () _____; FAX: () _____
EMAIL ADDRESS: _____

**Planning Commission Retreat
Brokaw-McDougall House
January 15, 2003
8:30 a.m. to 4:45 p.m.**

Members Present:

Reggie Bouthillier
Burt Davy
Melanie Weaver Carr
Dave Fronczak
Dianna Norwood
Dan R. Stengle

Members Absent:

Jim Davis

Staff Present:

Gary W. Johnson
Valerie J. Hubbard
Wayne Tedder
Jean Gregory
Yulonda Mitchell
Carol Gerrell
Silvia Alderman

Agenda Modifications:

Chairman Reggie Bouthillier opened the meeting and asked for any agenda modifications. Ms. Val Hubbard, Interim Director of the Planning Department reported that Mr. Tom O'Steen would speak before Ms. Martha Wellman.

A copy of Ms. Henree Martin's letter to Chairman Bouthillier, dated January 14, 2003, was distributed to the Commission Members, as well as a copy of Mr. Byron Block's memorandum to the Tallahassee-Leon County Planning Commission, dated January 14, 2003. (Attachments #1 and #2.)

History and Evolution of the 2010 Comprehensive Plan:

Chairman Bouthillier introduced Mr. Rob Magee. Mr. Magee was the Chief Comprehensive Planner in the late 1980's and 1990's when the original Comprehensive Plan was adopted by the City and County as a joint plan. The Comp Plan was approved by the LPA and transmitted to the elected officials during the first week of January in 1989. The Plan was eventually adopted on July 16, 1990 after extensive review by the local governments, citizens and the Florida Department of Community Affairs.

Mr. Magee provided the setting in the late 1980's and explained that planning in Tallahassee and Leon County was not overly sophisticated. In the late 1980's there was a Zoning map but no future land use map for Tallahassee-Leon County. The zoning had a tendency to be adhoc and every acre in Tallahassee-Leon County was at least one dwelling unit per acre. This was fostering sprawl. Subdivisions began to appear all along the canopy roads and some of the subdivisions outside of the urban service area today are subdivisions due to vesting. Sprawl type development was occurring due to the

limitations caused by a zoning map with no future land use map. No direction was being given.

There was an environmental awareness in Tallahassee-Leon County at this time but there were really no comprehensive environmental regulations in place in the community. When it rained, extensive flooding would occur. Tree protection consciousness existed in the late 1980's. There was no planning or development ordinance as late as 1980 in Tallahassee-Leon County. The first PUD ordinance was referred to by the Environmental Community as the "FLO" ordinance in direct response to the Food Lion development located at Park Avenue and Capital Circle Northeast. This site was heavily covered with trees and was clear-cut completely. There was an outrage in the community and interested persons began looking for more strict environmental regulations.

In July of 1987, the City and the County decided to develop a joint Comprehensive Plan. They appointed a joint LPA to produce the plan. The LPA was not given any specific direction by the City nor the County but was asked to bring their expertise to the table and produce a plan. The strength of the Plan was the LPA members: Fred Baggett, Chairman, and George Myer, Vice Chairman, represented neighborhood interests; the late Gus Turnbull, represented FSU; Victoria Tschinkel and Roxanne Dow, represented environmental interests; Virginia Glass and Broward Davis represented development interests and Fred Norwood represented minority interests and the south side of Tallahassee.

The LPA began by coming to the table with the regulations provided by DCA, which included a requirement for a Future Land Use Map, which would be related to environmental concerns, the fiscal policy, and the infrastructure policy. This was an education process for the LPA. Different representatives from the community were also brought in to provide their viewpoints. The LPA made an excellent decision at the time to divide the LPA into groups of three members for each chapter and formed citizens subcommittees. The citizen subcommittees were in charge of producing each chapter: the conservation/environmental element, the transportation element, and the housing element. Each subcommittee produced each element. They held meetings in the community, produced the element and brought it back to the overall LPA. The LPA did not assign the Land Use element, the Capital Improvements element, or the Utilities element.

Over the course of about one year, the subcommittees met and produced the individual elements that were brought back to the LPA. One disadvantage of this method was that the inter-relationship of the elements did not exist. However, on the whole, these were very good elements that were brought forth from the community. The Plan was not being written by staff but was being produced by the subcommittees. The elements were brought back to the LPA and the LPA began to work on the Land Use, the Capital Facilities and the Infrastructure elements.

Mr. Magee spoke of Mr. Andres Duany who was known for developing the "traditional neighborhood" movement. In the late 1980's Mr. Duany came to Tallahassee and spent three hours with the LPA and did an excellent presentation on the virtues of mixed use

within Tallahassee-Leon County or any other community. This had a major impact on the LPA and influenced them to create a separate mixed use land use category.

Mr. Magee spoke of the issues that were being addressed with the Comp Plan at this time. There were three major issue areas in the Comp Plan. First was Land Use. The LPA was dealing with an ad hoc-type land use policy in Tallahassee-Leon County. The production of a Future Land Use Map was very controversial in the community. The second issue was the Urban Service Area concept. It was the biggest element to come out of the discussions. The LPA embraced the USA concept in order to provide infrastructure in a cost effective manner; the USA concept gave structure to the subsequent land use strategy. The USA was a main part of the Comp Plan. The LPA had to address the question "who's in and who's out" when it came to dealing with the USA at that time. The biggest issue at the time was St. Joe and the Powerhouse Plantation on Centerville Road. Where this line was to be drawn would have tremendous impact on the development potential of the property. In relation to the line, the third issue was the technical issue of how much land do you provide for the population projections. These were some of the very big issues facing the USA.

The biggest issue, other than the Land Use Map itself, was the Mixed Use category. The LPA was trying to allow for mixed use with performance standards built in to the Land Use element. These performance standards would dictate what type of mixed use would be available for that portion of the community. The LPA wanted to have mixed use in 40% to 50% of the urban service area.

If you look at the original land use map you will see huge areas of purple. Fundamentally, what the LPA had set up would have worked except for it being beyond the community to accept. The land use map was performance based and not pictorially designed. After locating your parcel of land on the land use map, you would then have to go to the integration of criteria that would tell you what you could and could not build on your property. The community did not really grasp this concept at that point in time. The elected officials reacted in response to an outcry of the neighborhood groups, primarily CONA, who basically were saying that they wanted to keep our properties residential.

Therefore, the residential preservation areas, which were being fueled by the neighborhood groups, were "eating into" the mixed use areas. The categories of mixed use A, B and C were then created in order to save the Mixed-Use portion of the Comp Plan. When the Zoning Ordinance came into effect, it failed to incorporate the matrix, performance-based concept into the zoning. Basically the matrix was placed into the zoning ordinance without interpretation. The LPA forwarded the recommended future land use map with the Residential Preservation and the Mixed-Use categories to the elected officials who then created the Mixed Use categories A, B, and C. Northampton was probably the closest development that reflected the LPA's vision of Mixed-Use property.

Mr. Magee provided additional insight into the environmental aspect and the conservation element of the Comp Plan. He read a portion of the Comp Plan concerning the natural environment that gave specific guidance as to the intent of the Plan in relation to the environment. Mr. Magee explained that the LPA did not want to leave to interpretation the role that the natural environment would play in relation to the development aspect of the Land Development Regulations that were going to come into effect consistent with the Comp Plan. The Plan originally had some very stringent environmental policies associated with it. Mr. Magee went on to say there was a policy within the Comp Plan that said that the conservation policies trumped the land use policies. Mr. Wayne Tedder pointed out that the paragraph Mr. Magee read was still in the Comp Plan today.

Mr. Magee explained that the LPA wanted to develop environmental overlays and preservation conservation maps. If environmental or preservation conservation overlays were located on your property, you had to plan around them or you were restricted to low-density development. In some areas it was very difficult to develop depending upon what environmental features existed. Mr. Magee recalled a law suit, which involved environmentally sensitive land along Park Avenue. Today the property is a high density apartment complex.

Mr. Magee went on to explain other strong premises of the Comp Plan concerning the direction for the regulations. All development within Tallahassee was to be designed with the environment in mind. The environment would dictate the site design. You could not alter the site inconsistent with the natural environment that was located on the site. Mr. Magee referenced the Home Depot site on Capital Circle Northeast and pointed out that the site was developed under this Comp Plan and that it is still doing well. He referred to the buffer in back of the site, which separates over 50,000 square feet of commercial from residential. He also referenced the Target and Chick-Fil-A site and the preservation of the trees, land, and natural features.

Mr. Magee went over the fiscal and capital improvement aspects of the original Comp Plan. The City and the County spent a lot of time on this portion of the Plan. All of the City and County's fiscal policies were included within the Plan. Mr. Randy Young was charged with this task. The Plan said that new development will pay 100% of the capital improvement cost. Existing development would fund the maintenance of the system that was in place and would generate funds to be used to decrease deficiencies of the level of service that were existing at that time. Basically, new development would not be incurring any decrease in level of service because they would be paying for their impacts. Mr. Magee explained that if this policy had been implemented over the last 14 years, we would have been in effect paying off some of the deficiencies that existed in 1990 in our level of service, which would result in the community having further level of service performance. However, this did not occur in this community or anywhere else in Florida.

Mr. Magee went on to say that after the Comp Plan was adopted there was a period of a year where the zoning and land development regulations started to water down some of the effects of the Comp Plan. It was Mr. Magee's philosophy that the strongest element

of the Plan was the Urban Service Area (USA) concept. He said the laziest thing you can do in a community is urban sprawl. The USA has done a lot of good for the community today. He explained there will be pressure to move the boundary of the USA out. Sprawl is the most costly form of land use and costs generated by this land use pattern would be passed on to existing residents. While there should be some policy adjustments within the USA, to go back to a sprawl pattern by opening the USA, would be a disservice to the community. Mr. Magee felt that we would be abandoning some of the portions of our community and they would become under-utilized and under-valued. He mentioned the Publix site in the Westwood Shopping Center, which was vibrant in the 80's and 90's. After Publix left this site, the shopping center became under-utilized. This site could be revitalized. Mr. Magee mentioned the shopping center across the street from the Northwood Centre and how it is being revitalized at this time.

In response to a question from Mr. Stengle, Mr. Magee explained that he did not feel that the Comp Plan promotes urban sprawl. However, if the USA is not adhered to, urban sprawl would occur. He agreed that urban infill needs to be recognized more within the Plan.

In response to a question from Mr. Fronczak, Mr. Magee explained that the City and County Commissioners inserted the "Residential Preservation" element into the Comp Plan.

Purpose of the Meeting (9:55 a.m.)

Chairman Bouthillier explained that the purpose of the retreat was to reevaluate the ongoing Comp Plan reform effort and process, and to define the scope of services for the retention of an expert consultant to assist the Planning Commission in this regard.

Presentations:

Ms. Sue Dick, President of the Chamber of Commerce and Mr. David Powell, Chairman of the Growth Management Committee for the Chamber of Commerce were both present.

Mr. Powell, an Attorney at Law in Tallahassee, explained he was very involved in the growth management field. He also acknowledged that the Comp Plan was not the worst Plan and that hard work had gone into the Plan. He did not recommend that the Commission throw out the current Plan and start from scratch but that the Commission take the existing Plan and make it better. Mr. Powell felt that the key elements of the Comp Plan were land use and transportation. He felt that some portions of the Plan were not clear and that we needed to adopt a "Vision Statement".

He stated that the Plan was too expansive and addressed issues that did not need to be addressed. He suggested that the Commission look into whether optional elements can be compressed or eliminated. He said that portions of the Plan were too detailed and prescriptive. For example, seven (7) pages on solid waste were too detailed. Mr. Powell felt that the community would be better served if there were no deadline dates included

within the Comp Plan. He also stated that portions of the Plan were too confusing. As an example, he mentioned Section 1.7.10. He suggested that a good editor should address these issues. Mr. Powell addressed the Joint City-County Comprehensive Plan and recommended that the City and County should continue with a joint comp plan. Mr. Powell concluded his remarks by asking the Commission to eliminate the existence of two different policies concerning the same issue.

Ms. Dick also spoke to the Commission and said that the Chamber's focus was on economic development. She also suggested that the Commission develop a "Vision Statement" for the Comp Plan. Ms. Dick pointed out the need to address the confusion within the Comp Plan and the need for a vision statement that addresses economic development.

In response to a question concerning schools concurrency, Mr. Powell stated the importance of coordinating education and land planning and that this was too challenging and difficult to address in the Comprehensive Plan.

Concerning the school concurrency issue, Ms. Hubbard explained what Orange County had accomplished in the past.

Chairman Bouthillier outlined the Planning Commission's goals to reform the future land use element and to address other problems within the Comprehensive Plan.

Mr. Powell stated that he felt that the current mixed-use category had not worked in the past and that the Commission needed a land use category that fosters mixed-use development.

Chairman Bouthillier called a fifteen-minute break at this time. (10:35 a.m.)

Chairman Bouthillier introduced Mr. Ted Thomas, a local developer and owner of the Thomas Appraisal and Real Estate Company. Mr. Thomas stated that the Comprehensive Plan had a concept to eliminate urban sprawl. He also stated there were problems concerning the land use category: that the Urban Services Area (USA) had been very confining, that the price of property had doubled in the USA and that the USA had affected the affordability of residential homes in the area. Mr. Thomas addressed the density issue of one unit per 3 acres and recommended that this be changed to one unit per one acre. He also said that the Comp Plan should address development with the Bradfordville area, the Woodville area, and the Chaires area and that the provision of one unit per acre should be made in these areas. He pointed out that the Miccosukee and Ft. Braden areas should be looked at as well.

Mr. Thomas explained that rural areas needed to be identified as development areas. He felt that the government should provide for the needs of infrastructure. Mr. Thomas asked the Planning Commission to address the issue of "native forest" and "high quality forests" and to address the definitions for both. He explained that the current definitions were affecting development within these areas. Mr. Thomas felt that we needed to

address incentives to promote “wilderness forests”. Mr. Thomas questioned the “mixed use” classification and said that mixed use works in large pieces of land such as large plantations. Mr. Thomas provided a map of Leon County, which showed the Hunting Preserves and Selected Plantations. Mr. Thomas also addressed “water quality and water quantity” and stated that we needed to manage our water issues.

In response to the question, “Where should government obtain funds for infrastructure needs?” Mr. Thomas suggested that the government already had the funds and that these funds were provided through the gas tax and property tax. He explained that government should include the infrastructure needs within their budget and that government needed better fiscal management. Mr. Thomas felt that growth pays for itself and, therefore, the development community should not have to pay for infrastructure.

Ms. Hubbard explained that the Fiscal Impact Model Committee for which she is a member was looking into this matter.

Chairman Bouthillier introduced Mr. Greg Patterson, CEO of Innovative Management Services.

Mr. Patterson explained that he was the current President of the Council Of Neighborhood Associations (CONA) and had been serving in this position for two years. Mr. Patterson explained that he felt that the Comprehensive Plan was a noble document and was less than perfect. He went on to say that the Plan was good in reducing urban sprawl but that portions of the Plan promoted urban sprawl. He suggested that the Comp Plan be made more “user friendly,” that the amendment cycles be reduced to once a year be followed consistently; create incentives to locate student housing near the schools; and create incentives to locate assisted-living facilities near shopping centers.

Mr. Patterson explained that mixed use could work in many of the neighborhoods. In response to the question as to what the neighborhood associations fear the most, Mr. Patterson explained that the neighborhoods were afraid of “big” commercial development within their neighborhoods. In response to the question as to how we address mixed-use versus residential preservation, Mr. Patterson suggested that the neighborhoods be allowed more involvement in the decision making process for the design standards of commercial development. Mr. Patterson felt that the neighborhoods would be more amenable if they were more involved in the design stage. Mr. Patterson was asked: “Could businesses be located along the neighborhood edge?” Mr. Patterson felt that it could work if the neighborhood was allowed to participate in the design stage.

Mr. Burt Davy asked why we couldn’t have conditional zoning. Ms. Hubbard stated that we needed to consult the City’s Legal Office for direction in these matters.

Chairman Bouthillier introduced Mr. Tom O’Steen of the Moore Bass Consulting Company. Mr. O’Steen explained that a comp plan’s purpose was to provide vision and regulations. He explained that the current Plan did a better job of serving regulations than vision. The Plan had been used to tell the community what they couldn’t do more

than what they can do. Mr. O'Steen felt that the Plan was weak on having a specific vision, that the Plan was not clear, that the private sector relied heavily on staff to interpret the Plan and that staff was not always able to interpret the Plan. Mr. O'Steen pointed out there should be a greater emphasis on graphics and pictures within the Plan, that there should be a vision statement created that addresses sector planning, that the Plan should resolve the conflict between transportation planning and traffic management and that the mapping within the Plan should be addressed for example development patterns, the future land use map and the zoning map.

Mr. O'Steen stated that the Comp Plan did not address a population base from the surrounding counties who come to Leon County for work and recreation. He explained that we need more than transportation corridors. We need "nodes" of development areas and that sector planning might be able to address this issue. Mr. O'Steen pointed out that we needed numerical references within the Plan. For example, he mentioned a percentage for green space and a percentage for development space. Mr. O'Steen asked that the measurements within the Plan be addressed.

Mr. O'Steen stated that he felt the development community should absorb the cost of regional facilities, green space, etc. Mr. O'Steen stated that he had seen a slight improvement in development since the Comp Plan was first adopted such as landscaping and design standards. He also stated that it was harder to develop in this area since the adoption of the Comp Plan and that this was due to traffic constraints, neighborhood involvement, appeals and challenges.

Chairman Bouthillier called a short break at this time. (12:55 p.m.)

Chairman Bouthillier introduced Ms. Martha Wellman who discussed environmental issues. Ms. Wellman discussed promoting concentrated nodes of greenspace, mixed-use and walkable communities. She also discussed the adverse effects of large six-lane highways. Ms. Wellman expressed her concern about expanding the USA, and stated that the southwest side of town was going to become the business side of town. She said that we needed to think more about sector planning and integrating all elements of the Plan. She also addressed the preservation aspects of the Plan and the conservation category. Ms. Wellman asked that we look at the functionality of the land and not remove it. She was concerned that a ten-acre parcel of land located outside of the USA could be subdivided for family hardship reasons and said that this issue needed to be effectively regulated.

Ms. Wellman explained that the original LPA did not envision two different City-County environmental regulations. She recommended that sector planning address this issue. Ms. Hubbard explained that Comp Plan Amendment Number 20 would be addressing this issue in the future.

Ms. Wellman suggested that the Planning Commission allow citizen involvement in the Comp Plan Reform process and that the Plan focus on a Vision Statement. Ms. Wellman suggested that the Commission develop a vision statement first and then decide what part

of the Comp Plan to save and what part to throw out and that the Commission try to frame the Comp Plan around the vision statement.

In response to Chairman Bouthillier's question as to who should be contacted concerning the original Comp Plan, Ms. Wellman provided the following names: Fred Baggett, Vicki Tshinkel, Martha Wellman, Rob Magee and Roxanne Dow. Ms. Wellman also suggested that the Planning Commission contact the team leaders as well.

Update on Comp Plan Reform Initiative

Ms. Hubbard presented an update on the Comp Plan Reform initiatives. She explained that the Planning Commission had decided to focus their effort in the mixed-use issue and then to "clean up" the Comp Plan as a whole. Ms. Hubbard distributed a list of the actions taken by staff thus far. (See Attachment #3.)

General Discussion of Morning Session

Chairman Bouthillier asked each Commission Member to list their impressions of the morning session:

Commissioner Burt Davy expressed his concern that developers are having to consult staff to interpret the Comp Plan because the Plan is not understandable. The Plan needs to be easier to read and understand. We need more graphics and maps and we need a vision statement, which addresses a future plan for this community.

Commissioner Dianna Norwood said that the retreat has provided a wealth of information. She was concerned about the negative comments received towards the Comp Plan and that she did not believe that we should throw out the current Plan and start all over again.

Commissioner Dan Stengle expressed his concern that the Comp Plan needed to address a vision statement and that the Comp Plan needed to be more predictable.

Commissioner Dave Fronczak was impressed with the history provided concerning the original Comp Plan and asked that we go back and establish the history of the Plan and then move forward.

Commissioner Melanie Carr was not present at this point in the retreat, having left after Mr. Magee spoke.

Chairman Bouthillier asked the Commission Members to vote on the following issues:

Do we throw out the Plan? Five voted against. None voted in favor.

Do we establish a vision statement? Five voted in favor. None voted against.

Do we create a more user-friendly Plan? Five voted in favor. None voted against.

Chairman Bouthillier asked the Commission to list their three top priorities concerning the Comp Plan:

Mr. Fronczak stated that fixing the mixed-use category, addressing environmental issues and removing the matrix from the Plan were his top priorities.

Mr. Stengle stated his priorities as: fixing the mixed-use category, addressing urban infill and preparing the vision statement.

Ms. Norwood listed the mixed-use category, water quality and Lake Protection, and Sector Planning as priorities and then also listed as a priority her desire that the Commission exhibit more professionalism when dealing with staff and the public at the Commission meetings. She also asked that the members be on time and that the meetings start on time.

Chairman Bouthillier asked that the attendance policy and professionalism be placed on the next agenda.

Ms. Norwood requested that attendance at the TPAC meetings also be discussed. Ms. Hubbard asked the Commission if they wanted to continue serving as the TPAC. After some discussion, Chairman Bouthillier asked that this issue be placed on the next agenda.

Mr. Davy stated that he opposed increasing the membership on the Planning Commission. He also stated that his top priorities were to revamp the LDR's, create a vision statement and to address Sector Planning.

Chairman Bouthillier asked if a written history of the Comp Plan was needed. The consensus of the Commission was that the history was important but was not their top priority. They did not feel that a consultant needed to be hired to complete this task. The Chairman asked that a detailed transcript be provided of Mr. Rob Magee's presentation on the history of the Comp Plan.

Chairman Bouthillier asked if Transportation should be separated from Land Use? The consensus of the Commission was not to separate the two.

Chairman Bouthillier asked the Commission if a vision statement should be created before addressing the Comp Plan. Ms. Hubbard pointed out that the Evaluation Annual Review (EAR) process requires a formal evaluation of the Comp Plan. The Commission discussed the purpose of the written vision statement. Mr. Bouthillier asked if the consultant should develop the vision statement. Mr. Stengle pointed out that the Florida State University had a consortium that could be utilized for this purpose. Ms. Hubbard pointed out that we have \$100,000 in this year's budget and that we needed to use these funds this year. Ms. Silvia Alderman, the Attorney for the Planning Commission, recommended that the Commission allow the consultant to address the problems within the Comp Plan and that the Commission allow a separate entity to establish the vision statement.

Chairman Bouthillier recommended the following action:

That the Commission establish a "visioning group" along with a list of tasks.
That the Commission establish a deadline date for the group to complete their task.
That the Commission establish a subgroup of the visioning group to write the history of the Comp Plan, which will assist the written vision statement.
That the Commission work with staff to develop the "Scope of Services" within the next two weeks identifying the services and the timeframe.

That the Scope of Services include the following:

- We recognize that many different elements of the Comp Plan need to be reformed and provide the reasons that were outlined today (01/15/03).
- We ask for a proposal on how to resolve the conflict between Mixed Use and Residential Preservation. We have embarked on this mission of working toward developing categories and need further guidance on other options for the Planning Commission to consider in resolving this problem.
- We need a proposal for all the other changes the consultant would propose that should be made to the Future Land Use Element.
- We want the consultant to consider Sector Planning as a potential option and resolution.
- We want the consultant to see where staff has taken use on the user "friendly issue" and provide a proposal for all the things that need to be accomplished in order to finalize the process.

Mr. Davy moved the above motion. Mr. Stengle seconded the motion, which passed without objection. (4-0) Commissioner Dave Fronczak was not present at this time in the retreat, having left earlier.

Chairman Bouthillier called a five-minute break at this time. (3:25 p.m.)

Chairman Bouthillier welcomed Mr. Bruce Richey of the Tallahassee Democrat to the meeting and expressed his desire to work with Mr. Richey to have some articles placed in the newspaper concerning the Planning Commission.

Ms. Hubbard stated she would be glad to prepare a draft Scope of Services for the Planning Commission's review. Chairman Bouthillier requested that the Scope include a transportation element.

Ms. Hubbard requested some clarification from the Commission regarding the Future Land Use element and Nodes/Sector Plans.

Mr. Stengle had to leave the meeting at this time.

Chairman Bouthillier asked that the consultant address the Future Land Use element.

After further discussion concerning the "Vision Statement", Ms. Silvia Alderman suggested that a designated group of Planning Commissioners along with a working group of citizens from the community develop the Vision Statement.

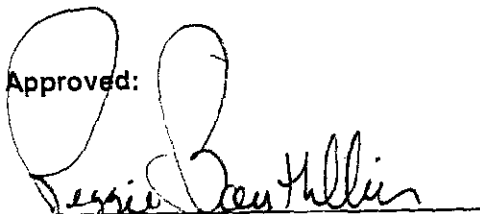
Chairman Bouthillier recommended that the Vision Statement Committee include a person from the environmental community, the neighborhood protection community and the development community.

Chairman Bouthillier asked for a 90-day timeframe for the development of the Vision Statement and asked staff to develop a draft scope for the Visioning Group process.

Chairman Bouthillier recommended that the Scope of Services for the Consultant should provide six (6) months to complete the Comp Plan Reform project.

Meeting adjourned at 4:00 p.m.

Approved:


Reggie Bouthillier, Chariman


Carol Gerrell, Recording Secretary

Minutes Approved on: 3/4/03

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1435 East Piedmont Drive • Suite 202 • Tallahassee, FL 32308 • (850) 385-1185 • FAX: (850) 422-2130
hmartin@netally.com

January 14, 2003

Mr. Reggie Bouthillier
P.O. Drawer 1938
Tallahassee, FL 32302

RE: LPA Planning Retreat 2003

Dear Reggie,

I regret that my schedule will not allow me to be in attendance. As I have expressed to you I am gravely concerned about the continuing efforts, no matter how well meaning, to fix a document that has been inherently flawed since its inception.

I was one of those in 1988 and 1989 that worked actively with various groups as our community worked and sometimes battled to write our first 20-year growth plan. To attempt to explain what went wrong would be counterproductive and certainly would only express my opinion. That would not be fair to the process today. I do not believe in 1988 that our community had a vision of itself. Various groups had agenda's that were merged to create a plan, not a vision. We have come far and I believe that today we can clearly express our vision. All groups may not totally agree how to reach this vision but I do believe it exist.

I will take only one example to explain this position. I believe that we all recognize the need for urban infill as the counter of urban sprawl. Yet, our plan does not allow for this and encourages and promotes sprawl. There are many other areas of contradiction but that example will suffice.

The other issue which is perhaps more significant is that with each "fix" we abdicate more authority to the State. The process of giving up home rule is dangerous in my opinion. It is cumbersome and creates lengthy delays in correcting obvious problems. Gainesville for example has a plan perhaps 20% the length of ours yet they may have done a better job in many areas that we have. Other cities have even smaller plans and have done exceptional planing. We spend more time solving the obvious defects in our plan and our ordinances that in advance planning often because our wonderful planning staff is always defending or rewriting the plan.



Individual Members

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I would like to ask you to consider an action plan that would start over with this document. Take an approach that is not a fix but a total rewrite. This is radical and time consuming and can not be done in house. The vision of this community needs to be defined by a small committee, similar to the make up of the Blueprint Committee, working with an outside consultant. Let them have a period to rewrite the plan and submit it back to this small committee. At that time the committee will take public testimony. After proper public impute they would finalize the plan with the consultant. The plan would then be submitted to the commissions for adoption and approval by DCA.

Let's put the specifics in the LDR's and take back control of our community. We can not use the excuse DCA picks on us because they are based here. We should challenge that, we are only one of many plans and should not be treated differently. That argument should not rule the day in this debate.

It will take courage and boldness for the LPA to do this but the alternatives only prolong the agony and continue a process of community paranoia every time comp plan changes are submitted. There will always be changes but not the volume we have now; the LDR process will be the venue for local debate whereas now we have in both arenas.

Thank you for your consideration of this approach.



Henree Martin, CCIM

FROM BYRON BARCLAY BLOCK

(TUE) 1 14 2003 16:36/ST. 16:30/NO. 5111849791 P 2



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BLOCK LAND & FINANCE COMPANY, LTD.1415 EAST PIEDMONT DRIVE - SUITE THREE - TALLAHASSEE, FLORIDA 32308
TELEPHONE: 850-385-3900 - FACSIMILE: 850-385-0121 - E-MAIL: BBBlock@earthlink.netBY FAX
891-8734**MEMORANDUM**

TO: Tallahassee-Leon County Planning Commission
c/o Wayne Tedder

FROM: Byron Block

DATE: January 14, 2003

SUBJECT: Comprehensive Plan

Members of the Planning Commission, I apologize for not being able to personally attend your retreat to discuss with you some of my more recent experiences with the Tallahassee-Leon County Comprehensive Plan. My comments regarding the plan are necessarily based on my own experience with several large parcels that became mixed-use P.U.D.'s after the adoption of the original Comprehensive Plan some years ago.

My most recent experiences with the Comprehensive Plan were in connection with the Bull Run mixed-use P.U.D., which was recently amended by a unanimous vote of the City of Tallahassee City Commission based on the Planning Commission's unanimous vote. This 430-acre project is a T.P.A. under the Comprehensive Plan and was reviewed for consistency and other criteria based on T.P.A. status. One of the most glaring problems in trying to work within the framework of the Comprehensive Plan was taking into account the special requirements of T.P.A.'s while still having sufficient land to develop based on certain realities that exist in commercial development.

The Target Planning Area requirements are interesting in the sense that a parcel that is 199 acres is treated differently from one that is 201 acres. Similarly, while Bull Run is 430 acres, the criteria for its development are not that different from Critical Planning Areas such as the Welaunee project. A more comprehensive planning standard for large tracts certainly makes sense. Any developer owning a large tract would be foolish not to have a master plan in mind. Planning these large areas in advance gives developers and government an opportunity to obtain benefits not only for that development but for the whole community at a time when those benefits can be planned together with the concomitant burdens.

FROM BYRON BARCLAY BLOCK

(TUE) 1 14 2003 16:55/ST. 16:30/NO. 5111849791 P 3

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What does not seem fair or appropriate is creating categories of property (T.P.A.'s or C.P.A.'s) with higher development standards then applying a host of overlays that wind up defeating some of the principles required in the T.P.A. or C.P.A. provisions. For example, the Bull Run P.U.D. proposal was attacked as creating a "regional" commercial center because of the additional acreage required for stormwater, walking paths, etc., since, under the Comprehensive Plan, a commercial development over 30 acres is not entitled to be called a "village" center. This thinking prevailed even though those using the term are skilled land use planners, lawyers, et al., who must have been fully aware of the Urban Land Institute's definitions of regional which are contrary to their assertion.

Additionally, the memorializing of trends in retailing doesn't make a lot of sense when future flexibility is held hostage. Over the past years I have viewed the move to create "seaside" type villages in our community. Indeed, one large tract has received substantial benefits from claiming to have created such a village atmosphere yet time has proven that particular property will not be developed in accordance with the conceptual plan primarily because market conditions in Tallahassee will not support it.

The village center concept with mixed retail and residential is largely being replaced by open air centers. The newest one in Florida recently opened in Coral Gables and is known as Merrick Center. The development is laid out with streets, but has very little on-street parking, and uses parking garages instead. There is no residential integrated with retail. This product is beautiful, and it has such high rent paying tenants as Neiman Marcus, Escada, and other stores found in major metropolitan areas.

Unfortunately, I believe our Comprehensive Plan has been written segment by segment with not enough attention given to the interrelationship of its goals and policies with each other. There is an opportunity available for this community to encourage more comprehensive and better planning. That opportunity could be realized if government could facilitate the approval process by revamping those areas that are not consistent with one another.

In closing, I would say that to many of us in the development community the Comprehensive Plan is like a computer game. The contestant's goal is to get permitted quickly for a project that economically rewards the decision to acquire and create a develop. This means that many times you have to beat the system in order to get permitted. This does not mean that the result of any given project is bad; it merely means there is tremendous energy spent in trying to meet goals and policies that are either too onerous because of the extra regulation required of larger projects or that are in conflict with one another. The money and time could be better spent improving the project.

I hope you find my comments helpful. Thank you.

BB:eh

**COMPREHENSIVE PLAN REFORM
NON-SUBSTANTIVE ISSUES**

At a retreat in October 2000, the Planning Commission addressed projects for the upcoming year including Comp Plan Reform. The Planning Commission decided a "clean up" of the Plan to address clarity and usability could not be delayed as substantive issues are addressed. Therefore, concurrent with the analysis of the substance of the Mixed Use category, staff was directed to address form and usability of the Plan.

The actions taken by staff include:

1. The table of contents for the Plan was significantly expanded and was then updated. In the future the table of contents will be updated after each amendment cycle.
2. Policies were identified for deletion. Those include the following six policies that were deleted as part of Cycle 2002-2:
 - a. Revise the Governmental Operational Land Use Category and the definition of Community Facilities (withdrawn by staff prior to public hearing);
 - b. Policy 3.1.2 in the Conservation Element relating to the establishment of a citizen wildlife committee;
 - c. Policy 2.2.8 of the Conservation Element relating to defining natural water bodies, man-made water bodies and other water bodies;
 - d. Policy 1.8.2 of Intergovernmental Coordination Element that allows for a second amendment cycle in 1990.
 - e. Policy 1.3.2 of the Historic Preservation Element relating to revision and update of the HC Historical and Cultural Conservation zoning district, a pre-1992 zoning district no longer in effect;
 - f. Policy 1.3.3 of the Historic Preservation Element relating to waiving variance fees for properties zoned historic preservation overlay and listed on the local register of historic places;
 - g. Policy 3.2.4 of the Historic Preservation Element dealing with the utilization of volunteers in the development and implementation of historic preservation programs.
3. The following policies are proposed for deletion or modification during the 2003-1 Cycle. The Transmittal Hearing will be held on January 23, 2003:
 - a. Delete Map entitled "City of Tallahassee Existing Wastewater System Map" from the Sanitary Sewer Sub-element of the Plan;
 - b. Delete Policy 1.4.3 Land Use Element which provides that citizen task forces may be appointed to assist in development of environmental and land use regulations;

- c. Delete Policy 1.3.2 Solid Waste Sub-Element which provides for disincentives such as fine systems to discourage littering;
 - d. Delete Policy 1.1.8 from the Solid Waste Sub-Element which provides for examining the feasibility of attracting manufacturing operations that use recycled materials;
 - e. Delete Policy 1.4.6 Parks and Recreation Element which provides by 1993, the City shall, with County encouragement evaluate the need for a supervised teen program in order to provide a safe environment for youth to congregate;
 - f. Delete Policy 1.4.3 Parks and Recreation Element which provides by 1992, the Downtown Improvement Authority shall sponsor at least monthly cultural activities in downtown Tallahassee;
 - g. Modify and update the County Boat Landings/Park Map in the Park and Recreation Element;
 - h. Modify and correct the Gaines Street Corridor Study Urban Infill and Redevelopment Area map in the Land Use Element.
4. Staff had recommended that all the requirements for Future Land Use categories be in the same place, rather than split between text and policies. Staff did substantial work towards consolidating University Transition and Central Urban. These districts were reviewed internally, but have not been forwarded to Planning Commission for review.
5. The Comprehensive Plan is now available on disc and the format on the web has been changed to allow for more timely updating.
6. Staff has done some research on indexing software for the Plan. Producing an index is another initiative that will continue to be pursued in the upcoming months.